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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,870	01/29/2001	Thomas Francis McGee III	US010016	7779

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EXAMINER

TO, BAOQUOC N

ART UNIT PAPER NUMBER

2162

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/771,870	Applicant(s) MCGEE ET AL.	
	Examiner Baoquoc N. To	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-13 and 19 are amended in the amendment filed on 03/28/2006.

Claims 1-24 are pending in this application.

Response to Arguments

2. Applicant's arguments filed 03/28/2003 have been fully considered but they are not persuasive.

The applicant argues "Alexander et al. and Masahiro et al. , therefore, cannot render the claimed invention obvious because the method as proposed by the Examiner does not disclose, teach or suggest, for example, identifying key object (s) during an Internet document and/or compiling a list of key object(s) during an Internet session, using the client or personal computing device that initiated the request for the selected Internet documents. See e.g., page 11, lines 3-9, 17021, page 12, lines 6-9, of the specification. Rather, Alexander, et al. discloses using information provided on the television to identify related information on the Internet. And, as mentioned previously, Masahiro et al. discloses using a proxy or gateway server to extract the content of a file object. See, e.g., Masahiro, et al...paragraphs 18-20."

The examiner respectfully disagrees with the above argument. As Alexander discloses "while watching the new programs, the news broadcaster describes an event involving astronauts. The viewer selects the new guide/data service icon and connects to a web site on the Internet describing, among other things, additional information about the particular event involving the astronauts.

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The viewers uses the search engine offered by the contact web site to locate additional information about the same astronaut....and EPG record the found program about the astronaut" (col. 18, lines 58-67 to col. 19, lines 1-12) or vice versa. Masahio discloses the method extracting keywords "golf", "Ozaki twin" and a "driver" from the web page and used these keywords to search for TV programs. Although, Masahiro's system has client connected to gateway or proxy server and these server connect to the internet; however, the client still have to send the extraction command through the proxy to extract keywords and the extracted keywords are send to the EPG to search for the television programs (paragraph 18-26). One ordinary skill in the art would know a proxy or a gateway server is also the client or server or both. Further, Masahio also discloses the compiling of the set of keywords and uses them for search the television program (paragraph 0024). Therefore, the amended claim "by means of a personal computing device or the like that initiated a request for said at least one internet document" does not eliminate the server from relaying the extraction and searching command, the client device still issue the search command to extract and search and does not distinguish from the client/server in device.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claims 1, 13 and 19, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually

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disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claims 2-12, 14-18 and 20-24 are depended on the independent claim 1, 13 and 19; therefore, claim 1-12, 14-18 and 20-24 are rejected under the same reason.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10, 12-13, 15-16, 18-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US. Patent No. 6,117,931 B1) in view of Masahiro et al. (JP 2000-307993 11/02/2000).

Regarding on claim 1, Alexander teaches a method for searching for television programs comprising the steps of:

sending said at least one key object to a search capable video recorder (col. 19, lines 5-7); and

conducting a key object search with said search capable video recorder to locate at least one television program that contains said at least one key object (col. 19, lines 7-11).

Alexander does not explicitly teach identifying at least one key object in at least one Internet document by means of a personal computing device or the like that initiated a request for said at least one Internet document, wherein said key object represents a topic of interest and said at least one Internet document is not related to said television program. However, Masahiro discloses "the three phrases "golf", the "Ozaki twin", and a "driver" were extracted from the file object as a description keyword. A television race card is searched an OR for these words. Consequently, the TV program which contains a keyword of one of the above in the program title (explanation of a program) is search..." (paragraph 0024, lines 1-6). These extracted keywords from the web document are used for a search to retrieve the television program. The Internet document and the television program are not related; the relationship here is the keywords "golf", "Ozaki twin" and "driver" between the Internet document and television program. Additional, in the conventional search and retrieval system whether to search for Internet documents and/or television programs, the keywords are used to retrieve Internet documents and/or television programs. Further, Mahasiro also discloses the concept compiling the extracted keywords "Golf", the "Ozaki twin" and a "driver" (paragraph 0024). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Alexander's system to include utilizing the extracted keyword from the web document to search for the television programs as taught by Masahiro in order to allow the user to use different tools to retrieve additional information by retrieving television programs.

Regarding on claim 2, Alexander do not explicitly teach the method recited in claim 1 further comprising the step of: identifying a plurality of key objects in at least one Internet document; placing said plurality of key objects in a list of key objects; sending said list of key objects to said search capable video recorder; and conducting a key object search with said search capable video recorder to locate at least one television program that contains at least one key object in said list of key objects. However, Mahariso discloses: identifying a plurality of key objects in at least one Internet document ("golf", the "Ozaki twin" and a "driver"); placing said plurality of key objects in a list of key objects ("golf", the "Ozaki twin" and a "driver"); sending said list of key objects to said search capable video recorder (sending the list to the EPG for searching); and conducting a key object search with said search capable video recorder to locate at least one television program that contains at least one key object in said list of key objects (a search for TV program is conducted) (paragraph 0024, lines 1-6). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Alexander's system to search for TV programs using the grouping of the extracted keywords as taught by Masahiro in order to have more chances to retrieve TV programs.

Regarding on claim 3, Alexander teaches the method of recited in claim 2 comprising the step of: increasing the number of said plurality of key objects in said list of key objects by adding key objects to said list that are similar to said plurality of key objects in said list of key objects (more than one new items) (col. 19, lines 30-31).

Regarding on claim 4, Alexander teaches the method recited in claim 1 further comprising the steps of: providing search results of said key object search to a viewer (co. 19, 5-7), said search results identifying at least one television program that contains at least one key object (col. 19, lines 7-10); selecting at least one television program that contains at least one key object in response to a viewer instruction (col. 19, lines 33-34); and recording in said search capable video recorder said at least one television program selected by said viewer (col. 19, lines 9-10).

Regarding on claim 5, Alexander teaches the method recited in claim 1 further comprising the steps of: receiving in said search capable video recorder search results of said key object search, said search results containing at least one television program that contains at least one key object (col. 19, lines 30-37); and

Recording in said search capable video recorder at least one of the television program identified in said search results (col. 19, lines 30-37).

Regarding on claim 6, Alexander teaches the method recited in claim 5 further comprising the steps of: using a selection criterion to select at least one television program from said search results to be recorded (col. 19, lines 30-37).

Regarding on claim 7, Alexander teaches the method recited in claim 6 wherein said selection criterion comprises one of: selecting only those television programs that will be shown in a particular time period, selecting only those television program that are deemed to be the most relevant to a particular topic, selecting all television programs that appear within a search results until the disk

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space limit of a search capable video recorder has been reached, selecting television program that may be overwritten by said search capable video recorder, and selecting television programs that may not be overwritten by said search capable video recorder (col. 20, lines 15-20).

Regarding on claim 8, Alexander teaches the method recited in claim 5 further comprising the step of: recording in said search capable video recorder all of the television programs identified in said search results (col. 19, lines 30-37).

Regarding on claims 9, 15 and 20, Alexander teaches the method recited in claim 1 wherein said key object search is conducted for a predetermined period of time (col. 19, lines 5-7).

Regarding on claims 10, 16 and 21, Alexander teaches the method recited in claim 1 wherein said key object search identifies at least one television program using program identification information (col. 19, lines 7-10).

Regarding on claims 12, 18 and 23, Alexander teaches the method recited in claim 1 wherein said search capable video recorder comprises one of: a video recorder with a hard disk memory, a television set with a video recorder with a hard disk memory, a set top box with a video recorder with a hard disk memory, a video cassette recorder with a hard disk memory, and a personal computer with a video card (col. 3, lines 1-10).

Claim 13 is rejected under the same reason as to claim 1, in addition Alexander also discloses providing search results of said key object search to a viewer said search results identifying at least one television program that

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contains at least one key object in response to a viewer instruction (col. 19, lines 30-31); and recording in said search capable video recorder said at least one television program selected by said viewer (recording) (col. 19, lines 31-34).

Claim 19 is rejected under the same reason as claim 1, in addition Alexander also discloses a plurality of key objects (new items) (col. 19, lines 30-31).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11, 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US. Patent No. 6,177,931 B1) in view of Masahiro et al. (JP 2000-307993 11/02/2000) and further in view of Cargun et al. (US. Patent No. 5,481,296).

Regarding on claims 11, 17 and 22, Alexander and Masahiro do not explicitly teach the method recited in claim 1 wherein said key object search identifies at least one television program by analyzing at least one video stream of at least one television program to find objects that match the key object used in said key object search. However, Cargun teaches key object search identifies at least one television program by analyzing at least one video stream of at least

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one television program to find objects that match the key object used in said key object search (col. 16, lines 62-67 to col. 17, lines 1-12). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Alexander and Masahiro system to include key object search identifies at least one television program by analyzing at least one video stream of at least one television program to find objects that match the key object used in said key object search as taught by Cargun in order to retrieve the most relevant program for viewing.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US. Patent No. 6,177,931 B1) in view of Masahiro et al. (JP 2000-307993 11/02/2000) and further in view of Geer et al. (US. Patent No. 6,788,882 B1).

Regarding on claim 14, Alexander and Masahiro do not explicitly teach conducting said key object search in said search capable video recorder in television programs that have previously been recorded in said search capable video recorder (col. 11, lines 32-38). However, Alexander teaches conducting said key object search in said search capable video recorder in television programs that have previously been recorded in said search capable video recorder (col. 11, lines 32-38). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Alexander and Masahiro system to include conducting said key object search in said search capable video recorder in television programs that have previously been

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recorded in said search capable video recorder as Geer in order to provide the retrieval or the record television program for later viewing.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US. Patent No. 6,177,931 B1) in view of Masahiro et al. (JP 2000-307993 11/02/2000) and further in view of Milnes et al. (US. Patent No. 6,118,492)

Regarding on claim 24, Alexander and Masahiro do not explicitly teach notifying said viewer when said search capable video recorder has recorded said at least one television program selected by said viewer. However, Milnes teaches notifying said viewer when said search capable video recorder has recorded said at least one television program selected by said viewer (col. 5, lines 41-48). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Alexander and Masahiro system to include notifying said viewer when said search capable video recorder has recorded said at least one television program selected by said viewer as taught by Milnes in order to notify the user to further review the record television program.

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) –273-8300 [Official Communication]

BQ To

June 8th, 2005


JEAN M. CORRIELUS
PRIMARY EXAMINER